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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,489	11/02/2000	Edward J. Naclerio	770P009665-U	8816

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PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06824

EXAMINER

WOO, RICHARD SUKYOON

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/646,489	NACLERIO
	Examiner	Art Unit
	Richard Woo	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 November 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5-6</u> .	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Drawings***

1) The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate both a bus and ROM. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3) Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, line 6; Claim 2, line 6; and Claim 3, line 6, respectively, the recitation of "the contents" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 102***

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5) Claims 1-3, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Grider et al. (US 5,515,540).

Grider et al. discloses a postal security device comprising:

a secure housing;

means for generating print data (see Figs.);

a first memory not requiring electrical power to maintain the contents (see Figs.);

a second memory requiring electrical power, powered by a battery (see Figs.);

a tamper switch mechanically coupled with the housing, disconnecting the second memory from the battery when the device is tampered (see generally the specifications relating to destroying all data in the memory);

an encryption key stored within the second memory; and

a cryptographic engine.

Grider et al. discloses a method for use with a postal security device, comprising the steps of:

storing an encryption key within a second memory (e.g. SRAM);  
encrypting body of data by the cryptographic engine;  
storing the encrypted body of data in the first memory; and  
in the event of tempering, removing power from the second memory (see generally the specifications relating to destroying all data in the memory).

6) Claims 1-3, as far as they are definite, are rejected under 35 U.S.C. 102(e) as being anticipated by Little et al. (US 5,832,207).

Little et al. discloses a postal security device comprising:  
a secure housing;  
means for generating data (see Figs.);  
a first memory not requiring electrical power to maintain the contents (see Figs.; cols. 3-4);  
a second memory requiring electrical power, powered by a battery (see Figs.; cols. 3-4);  
a tamper switch mechanically coupled with the housing, disconnecting the second memory from the battery when the device is tempered (see generally the specifications relating to destroying all data in the memory);  
an encryption key stored within the second memory; and  
a cryptographic engine.

Little et al. discloses a method for use with a postal security device, comprising the steps of:

storing an encryption key within a second memory (e.g. SRAM);  
encrypting body of data by the cryptographic engine;  
storing the encrypted body of data in the first memory; and  
in the event of tempering, removing power from the second memory (see  
generally the specifications relating to destroying all data in the memory).

### ***Conclusion***

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WebScan Press Release (Dallas Semiconductor Corporation) is cited to show a postal security device having a cryptographic microchip and providing a physically secure coprocessor for a PC to provide safe, long term storage of 1024-bit private keys, a tamper-resistant real time clock for true time, a random number generator and so forth.

US 4,484,307 is cited to show an electronic postage meter having battery augmented memories and a disabling mechanism including dual redundant flip-flops. The flip-flops are powered by the battery augmented memories.

EP 0376487 is cited to show an electronic postage meter having non-volatile memories storing postage meter data under control of the CPU operating from a program in ROM. The non-volatile memories have a first plurality of buffers comprising an accounting data store and a second plurality of buffers comprising a print counter

store; wherein the accounting data is calculated from accounting data stored in the first plurality of buffers and the print counter data store in the second plurality of buffers.

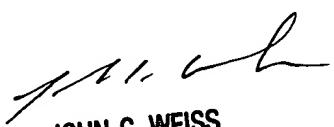
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



Richard Woo  
Patent Examiner  
GAU 3629  
September 27, 2002



JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
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